

## **Article VIII**

### **Business and Commerce Provisions**

## **Article VIII: Business and Commerce Provisions**

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### **Section 1. Stretch Energy Code**

#### **1.1 Definitions**

International Energy Conservation Code (IECC)

The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8<sup>th</sup> edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

#### **1.2 Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

#### **1.3 Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13,34,51, as applicable.

#### **1.4 Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Framingham General Bylaws, Article VIII, Section 1. The Stretch Code is enforceable by the Town's Building Commissioner.

### **Section 2. Display of Cash Totals**

A cash register or any other mechanical device maintained at a check-out counter for totaling the monetary value of customer purchases shall be so placed that the indications may be readily observed by the purchaser when standing in normal position in the area provided for such purchasers. Whoever maintains such a register or device not so placed shall be punished by a fine not exceeding fifty dollars (\$50) for each such register or device.

### **Section 3. Junk Collectors**

**3.1** The Board of Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals, or second-hand articles, in the town. They may also license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals, and second-hand articles, from place to place in the town, and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when engaged in collecting, transporting, or dealing in junk, old metals, or second-hand articles; and may prescribe the design thereof. They may also provide that such

## **Article VIII: Business and Commerce Provisions**

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shops and all articles of merchandise therein, and any place, vehicle or receptacle used for the collecting or keeping of the articles aforesaid, may be examined at all times by the Board of Selectmen or by any person by them authorized thereto. The aforesaid licenses may be revoked at pleasure, and shall be subject to the provisions of Massachusetts General Laws, Chapter 102, Sections 186 to 189, inclusive, of the Revised Laws, as amended by subsequent Acts of the General Court of Massachusetts.

- 3.2** Every keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles, within the limits of the town, shall keep a book, in which shall be written, at the time of every purchase of any article, a detailed description thereof, the name, age, and residence of the person from whom, and the day and hour when such purchase was made; such book shall at all times be open to the inspection of the Board of Selectmen and of any person by them authorized to make such inspection; every keeper of such shop shall put in a suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters; such shop, and all articles of merchandise therein, may be at all times examined by the Board of Selectmen or by any person by them authorized to make such examination; and no keeper of such shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such, and no article purchased or received by such shopkeeper shall be sold until at least thirty days from the date of its purchase or receipt has elapsed; such shops shall be closed when so ordered by the Board of Selectmen, between the hours of 6 p.m. and 7 a.m., and no keeper thereof and no junk collector shall purchase any of the articles aforesaid during such hours.

### **Section 4. Transient Vendors, Hawkers & Peddlers**

- 4.1** No person shall sell, solicit or display goods, articles, wares or merchandise upon the public ways of the town unless duly licensed so to do, without first having obtained a permit from the Board of Selectmen.
- 4.2** No person, either principal or agent, shall engage in a temporary transient business in this Town selling goods, wares, periodicals or merchandise, or go door-to-door for any commercial selling purposes or canvassing, without a license issued by the Board of Selectmen. Such person shall make written application, under oath, for such license stating his or her name and address, the name and address of the owner or parties in whose interest said business is to be conducted, and a brief description of the business to be conducted. Such person shall permit the police department to photograph and fingerprint him or her for the purpose of identification. The fee for such license shall be set by the Board of Selectmen. Such license shall be affixed in a prominent place to the outer garment of each licensee whenever he or she shall be engaged in such business so that it may be seen by all prospective customers. The provisions of this section shall not apply to any person conducting a "garage sale," nor to any person who goes door-to-door to sell goods, wares, periodicals or merchandise on behalf of any group organized for any of the purposes described in M.G.L., Ch. 180, s. 2.
- 4.3** (Deleted by Attorney General)
- 4.4** No transient vendor, hawker or peddler shall sell or offer or expose for sale any of the article enumerated in Section 17 Chapter 101 of the General Laws or in any act in amendment thereof or any addition thereto until he has recorded his name and residence with the Board of Selectmen, provided, however, that this section shall not apply to religious publications or newspaper which are not of a commercial nature. Every commercial agent or other person selling by sample, lists, catalogues or otherwise for future delivery, and every person licensed under the preceding section as a transient vendor, hawker or peddler shall record his name and residence in like manner with the Board of Selectmen before conducting any business within the Town.
- 4.5** No person hawking, peddling, or carrying or exposing any articles for sale, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town, nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.

## **Article VIII: Business and Commerce Provisions**

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- 4.6** Every transient vendor, hawker and peddler licensed by the Board of Selectmen shall be assigned a number and shall be provided by the Board of Selectmen with a badge which shall be conspicuously worn by him; and every other such hawker and peddler as described in subsection 4.4 shall provide himself with a badge of such type and design as may be approved by said Board of Selectmen, which he shall wear in like manner. Whoever neglects to wear, or wears such badge without authority, shall be punished by the penalty provided in subsection 4.11.
- 4.7** Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached thereto on each side a number plate, to be furnished by the Town with his license, bearing the number and date of expiration of such license.
- 4.8** No person shall be registered or assigned a badge or number plate under the provisions of subsections 4.6 and 4.7, until he presents a certificate from the Sealer of Weights and Measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license, or the cancellation of his registration.
- 4.9** Nothing in these Bylaws shall be construed as conflicting with any license issued under the authority of the Commonwealth.
- 4.10** Any license granted under Article VIII, Section 4 of these Bylaws or any Bylaw amendments or additions, may be revoked by the Board of Selectmen.
- 4.11** Whoever violates any provision of Article VIII, Section 4 of these Bylaws shall be punished by a fine not exceeding three hundred dollars (\$300) for each offense.

**Section 5.** (Deleted 1998 Annual Town Meeting)

### **Section 6. Licensing and Display of Motor Vehicles**

#### **6.1 Classification**

As provided in M.G.L., Ch. 140, s. 58, motor vehicles shall be classified as follows:

Class I.....New Vehicles  
Class II .....Used Vehicles  
Class III .....Junk Vehicles

#### **6.2 Licensing**

Pursuant to M.G.L., Ch. 140, ss. 57-59, all Class I, II and III motor vehicle dealer licenses must be renewed on January 1st of each year. The Board of Selectmen or their designee shall be responsible for the granting or renewal of said licenses.

In addition to the requirements imposed by M.G.L., to be eligible for a motor vehicle dealer's license, an applicant must:

1. have the sale of motor vehicles their principal business.

## **Article VIII: Business and Commerce Provisions**

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2. maintain or demonstrate access to repair facilities sufficient to enable the dealer to satisfy the warranty repair obligations imposed by state statute. This provision shall apply to Class I & II dealers only.
3. have a valid special permit granted by the Zoning Board of Appeals unless otherwise "grandfathered" from this provision
4. have all property taxes and fees paid to and documented by the Town Treasurer.
5. have the site of the dealership inspected by the designated town departments to determine if all conditions of the special permit and all safety regulations are met.

### **6.3 Outdoor Display of Motor Vehicles**

Motor vehicles for sale or lease may not be displayed more than one foot above finished grade, nor on buffer areas designed for landscaping.

## **Section 7. Regulation of Donation Collection Bins**

The purpose of this Bylaw is to protect the public health, safety and welfare, to address the proliferation of donation collection bins within the Town of Framingham, and provide regulations to ensure that donation collection bins are located and maintained so as to promote public safety, health and welfare, in a clean and safe condition.

### **7.1 Definitions**

As used in this section, the following terms shall have the meaning indicated:

Donation Collection Bin – Any enclosed receptacle or container made of metal, steel, fiberglass, wood, or similar product designed or intended for the donation and the temporary storage of clothing, books or other goods and materials, which is accessible to and allows the public to deposit goods without assistance, and which is owned, operated or controlled by an entity other than the owner or lessee of the lot on which it is located.

Operator – Any person or legal entity that owns, operates or is otherwise in control of a donation collection bin in the Town of Framingham.

### **7.2 Prohibitions and Standards**

- 7.2.1 It shall be unlawful for any person to place a donation collection bin within the Town of Framingham without first obtaining an annual license from the Building Commissioner as hereinafter provided. Each operator who seeks to place a donation collection bin in the Town shall complete a written application on a yearly basis on a form provided by the Building Commissioner.

A donation collection bin subject to the provisions of this chapter must have clearly identified, in writing on its face the name, address, and telephone number of the entity or organization that is maintaining the donation collection bin. No further advertising shall be permitted on the donation collection bin.

- 7.2.2 A license for a donation collection bin may be granted only in accordance with and subject to the following provisions, conditions and restrictions:

## **Article VIII: Business and Commerce Provisions**

---

- (a) Donation collection bin licenses may be granted only for properties owned or leased by a non-profit entity and used for non-profit purposes in Business or manufacturing Zoning Districts, but excluding the Central Business District, and churches and other houses of worship in any Zoning District. Only one donation collection bin is allowed per property, which includes all contiguous land in common ownership.
- (b) The donation collection bin shall be appropriately located so as to not interfere with sight triangles, on site circulation, required setbacks, landscaping, parking or any other zoning requirements and shall be placed on a concrete or other paved surface. The donation collection bin shall not be placed at any location directly abutting a residential property and shall comply with all setbacks for accessory structures under the Zoning Bylaws. All donation collection bins shall be properly screened from view as approved by the Building Commissioner or his designee and shall not consume any available parking spaces required for the permitting or zoning requirements of the premises where sited. The donation collection bin shall be placed such that there is safe and convenient pedestrian and vehicular access to it.
- (c) The donation collection bin shall be of the type that is enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.
- (d) Each donation collection bin shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height.
- (e) Each donation collection bin must be regularly emptied of its contents so that it does not overflow. Used clothing or other donated goods and materials may not be placed about the surrounding area. All donation collection bins must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

### **7.3 Application for License**

- 7.3.1 Any person or entity desiring a license under this chapter shall file with the Building Commissioner an original and one copy of an application, submitted under oath, in writing on a form furnished by the Building Commissioner.
- 7.3.2 The application shall set forth the following information:
  - (a) The applicant's name, business name, business address and telephone number as well as the name, address and telephone number of the person or persons responsible for maintaining each donation collection bin which shall be posted on each bin as required by Section 7.2.
  - (b) Whether the applicant is an individual, a partnership, a corporation or another entity, and if another entity, a full description thereof and whether the entity is a non-profit organization.
  - (c) If the applicant is an individual, the applicant's residential address.
  - (d) If the applicant is a partnership, the full name and address of each partner.
  - (e) If the applicant is a corporation or other entity, in the case of a corporation, the full name and residential address of each major officer, the name and address of the registered agent and the address of the principle office.
  - (f) A description of the donation collection bin to be covered by the license as well as the address where the donation collection bin will be located, including a site plan showing the proposed

## **Article VIII: Business and Commerce Provisions**

---

location of the donation collection bin on the property as well as existing conditions on the property.

- (g) If the applicant is not the owner of the property upon which the donation collection bin is to be located, the written notarized consent of the property owner must be attached to the application. The consent shall include the name, address, and telephone number of the owner, lessee or other person or legal entity in control of the property where each such donation collection bin shall be placed.
- (h) The regular interval schedule at which the operator or person identified in the license collects the items donated and performs regular maintenance. Said interval shall not exceed thirty days.

The Building Commissioner or his designee shall deny a license application which does not comply with the requirements of this Bylaw.

### **7.4 Fees**

- 7.4.1 The application fee for a license for a donation collection bin shall be \$150.00 for each donation collection bin. The license period for each donation collection bin shall be January 1 through December 31 of each year.
- 7.4.2 Upon the granting of a license, a permit issued to the applicant shall be affixed to the donation collection bins used by the license holder prior to placement of the bin. The permit shall be clearly placed on the same side of the bin as the chute used to deposit donated items. Next to the permit there shall be placed in clear lettering the name and telephone number of the operator. Upon the sale or transfer of a bin, a new license and permit shall be sought and if granted to a subsequent owner, the permit must be affixed to the bin prior to placement in service.

### **7.5 Applicability**

- 7.5.1 The provisions of this Bylaw shall apply to both existing and future donation collection bins located within the Town of Framingham. Property owners with existing donation collection bins prior to the effective date of this Bylaw shall come into compliance as follows:
  - (a) Within sixty days of the effective date of this Bylaw, the operator shall file an application for a license as required under Section 7.3 for each existing donation collection bin. The application shall demonstrate how the existing donation collection bin complies with this Bylaw or show the proposed changes that shall be completed to achieve compliance. Within ninety days after the effective date of this Bylaw, each existing donation bin shall be brought into compliance with this Bylaw or removed from the Town, except as provided below.
  - (b) For those existing donation collection bins that are located on properties in Business or Manufacturing Zoning Districts, but excluding the Central Business District, but which are not devoted to non-profit purposes as required by Section 7.2.2.(a), one existing donation collection bin may continue to be located and operated on the property, provided that it can be brought into compliance with all other requirements of this Bylaw. The operator of each such prior nonconforming donation collection bin must apply for and receive an annual license as provided in this Bylaw. Upon sale of the property or the business located on the property on which such prior nonconforming donation collection bin is located, the prior nonconforming donation collection bin must be removed within ten days.

### **7.6 Violation, penalties and enforcement**

## **Article VIII: Business and Commerce Provisions**

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- 7.6.1 Any person, entity, partnership, firm or corporation violating any of the provisions of this Bylaw shall be punished by a fine of not less than \$50.00, but not exceeding \$100.00 for each individual violation.
- 7.6.2 Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- 7.6.3 The owner, lessee, or other person or legal entity in control of the property where the donation collection bin is being maintained and the operator of said bin in violation of this Section shall be jointly and severally liable for each violation thereof.
- 7.6.4 The Building Commissioner or his designee may issue an enforcement order for any failure to comply with the provisions of this Bylaw.
- 7.6.5 The Building Commissioner or his designee shall enforce this Bylaw.
- 7.6.6 In the discretion of the enforcing officer, a noncriminal penalty of \$50.00 for each violation may be imposed as provided in G.L. c. 40 §21D and Article X, Section 1 of the General Bylaws.

### **7.7 Severability**

In the event that any provision of this Bylaw shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections shall remain in full force and effect.

## **Section 8. Plastic Bag Reduction Bylaw**

### **8.1 Purpose and Intent**

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail and grocery stores in the Town of Framingham, on or after January 1, 2018.

### **8.2 Definitions**

- 8.2.1 **Checkout bag:** A carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.
- 8.2.2 **Grocery Store:** A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.
- 8.2.3 **Retail Store:** An establishment that offers the sale and display of merchandise within a building.
- 8.2.4 **Reusable checkout bag:** A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.



## **Article VIII: Business and Commerce Provisions**

---

- 8.2.5 **Thin-film single-use plastic bag:** Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

### **8.3 Use Regulations**

- 8.3.1 Thin-film single-use plastic bags shall not be distributed, used or sold for checkout or other purposes at any retail or grocery store within the Town of Framingham.
- 8.3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail or grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.
- 8.3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

### **8.4 Enforcement Process**

Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L. Chapter 40, §21D. Any such fines shall be paid to the Town of Framingham.